

REMARKS

Claims 1-38 are pending in the present application. New Claims 13-38 have been allowed. Claim 11 has been amended.

I. Submission of IDS and Form PTO-1449

At paragraph 2 of the 10/6/03 Office Action it is indicated that the information disclosure statement filed 8/2000 did not include a listing of the cited patents. Attached is a copy of that IDS and cited patents as previously submitted, along with a newly prepared form PTO-1449 listing the cited patents. The Commissioner is authorized to charge PSC Inc.'s deposit account no. for any fees required for the submission of this IDS.

It is also noted that a supplemental IDS was filed December 10, 2002 which does not appear on PAIR record. A copy of that IDS along with a copy of the stamped return postcard is also enclosed.

II. Explanation of Amendments

Claim 11 has been amended changing "if it determined" to -- if it is determined--. It is submitted that this amendment is merely correcting a clerical/grammatical error that is evident from the context of the claim and as such does not

change the scope or meaning of the claim. It is further submitted that the amendment adds no new matter.

Claim 9 has been rewritten into independent form but has otherwise not been amended and thus is unchanged in scope.

### III. Response as to Rejection of Claims 1-12

Claims 1-12 have been rejected under 35 U.S.C. § 103 over Sato '524 in view of Pantus '529. Each of these rejections will now be addressed in the following.

#### A. Claims 1-10

Claim 1 is directed to a method of controlling a data reader. Sato '524 is a detection system and Pantus '529 is a security system. There is no disclosure in either patent to initiating a data reader control function in response to a determination made in the determining step as in Claim 1.

Therefore it is submitted that a *prima facie* case of obviousness has not been made as to Claim 1 as there is no suggestion as to combine and modify the cited patents to reach the claimed combination. See, In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

It is further submitted that the dependent Claims 2-10 provide further distinguishing limitations, some of which are detailed in the following.

In Claims 6, 8 and 10 the control function comprises a wake-up function. An alarm function of a security system of Pantus '529 is not a wake-up function; presumably, an alarm system is always on and does not need to "wake-up" and commence operation. Indeed, such a wake-up function would be contrary to the nature and purpose of a security system. Thus Pantus '529 would teach away from such a method. Therefore it is submitted that a *prima facie* case of obviousness is not made as to Claims 6, 8, and 10.

Claim 9 includes the limitations of a first determination and a second determination "wherein, in the initiating step, a first data reader control function is initiated when the first determination is made in the determining step, and a second data reader control function is initiated when the second determination is made in the determining step." The 10/6/03 Office Action asserts that Pantus '529 "teaches determining that the object is present in front of the window only when the object is present in an immediate vicinity of the window (col. 4, lines 25-28)." This assertion is respectfully traversed. Pantus '529 at Col. 4 provides for a security detection system

that generates an alarm when light is detected below a minimum detection level and generates an alarm when light is detected exceed a maximum detection level. Firstly, the Pantus '529 system is not a data reader (and thus does not initiate data reader control functions), and secondly it does not distinguish between first and second determinations and thus does not initiate first and second data reader control functions (Pantus '529 has only one response -- generating an alarm). Thus the Office Action does not address the above-quoted portion of Claim 9. It is therefore submitted that a *prima facie* case of obviousness has not been made as to Claim 9.

Claim 10, depending upon Claim 9 provides the further limitations that the first control function comprises a volume control function and the second control function comprises a wake-up function. The Office Action only refers to the single alarm function in Pantus '529, and not the volume control and wake-up functions as in Claim 10. Therefore it is submitted that a *prima facie* case of obviousness has not been made as to Claim 10.

Further, it is submitted that since the above-recited limitations of Claims 6, 8, 9 and 10 are not disclosed in the cited patents, this rejection is traversed and it is requested

that a reference be cited disclosing the limitation, or the rejection be removed. See, M.P.E.P. § 2144.03.

B. Claims 11-12

Pantus '529 discloses a security system designed to protect the window from being masked, i.e. an anti-masking detector for maintaining the operational integrity of the security system. An alarm is activated if masking is detected. In contrast, Claims 11-12 are directed to a method of controlling a data reader including (among others) the steps of "determining whether the window is present" and "disabling the data reader if it is determined, in the determining step, that the window is not present." There is no disclosure in Sato '524 or Pantus '529 to disable the system if it is determined that the window is not present. In fact, it is submitted that a security system should never be disabled (and certainly Pantus '529 does not disclose disablement). There should be no detection condition which would disable the security system -- that would clearly be contrary to the very nature and purpose of a security system. Therefore it is submitted that a *prima facie* case of obviousness has not been made as to Claims 11-12.

Claim 12 provides the further limitation wherein "the step of disabling the data reader comprises turning the laser off."

As to the 10/6/03 Office Action statement at page 4 that "the laser is well-known in the art", applicants admit that the laser is well known in the art of data reading, however there is no suggestion in the cited patents to "turning the laser off" if it is determined that the window is not present.

Further, it is submitted that since the above-recited limitations of Claims 11 and 12 are not disclosed in the cited patents, this rejection is traversed and it is requested that a reference be cited disclosing the limitation, or the rejection be removed. See, M.P.E.P. § 2144.03.

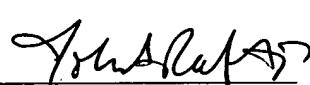
IV. Conclusion

Therefore it is respectfully submitted that Claims 1-38 are allowable and a Notice of allowance is earnestly solicited.

Respectfully submitted,

Dated: January 5, 2004

By:

  
John A. Rafter, Jr.  
Reg. No. 31,653

Customer No 33451  
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204-1268  
Telephone: (503) 224-3380  
Facsimile: (503) 220-2480  
Attorney Docket No. 51306/667